

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CORBIN J. HOWARD, I,	:	
Plaintiff,	:	Case No. 3:09cv00354
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
PAUL HENRY, <i>et al.</i> ,	:	
Defendants.	:	

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on October 15, 2009 (Doc. #3) is ADOPTED in full, and Plaintiff's Complaint is DISMISSED;
2. The Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that for the reasons set forth in the Report and Recommendations, an appeal of this Decision and Entry would not be taken in good faith. Consequently, leave for Plaintiff to appeal *in forma pauperis* is DENIED; and
3. The case is terminated on the docket of this Court.

November 5, 2009

THOMAS M. ROSE

Thomas M. Rose
United States District Judge